

**Calendar No. 622**

110TH CONGRESS  
2D SESSION

**S. 2304**

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2007

Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. LEAHY, Mr. WEBB, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 1 (legislative day, MARCH 13), 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Mentally Ill Offender Treatment and Crime Reduction  
 4 Reauthorization and Improvement Act of 2007”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program  
 Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Improving the mental health courts grant program.

Sec. 6. Study and report on prevalence of mentally ill offenders.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Communities nationwide are struggling to  
 10 respond to the high numbers of people with mental  
 11 illnesses involved at all points in the criminal justice  
 12 system.

13 (2) A 1999 study by the Department of Justice  
 14 estimated that 16 percent of people incarcerated in  
 15 prisons and jails in the United States, which is more  
 16 than 300,000 people, suffer from mental illnesses.

17 (3) Los Angeles County Jail and New York’s  
 18 Rikers Island jail complex hold more people with  
 19 mental illnesses than the largest psychiatric inpa-  
 20 tient facilities in the United States.

21 (4) State prisoners with a mental health prob-  
 22 lem are twice as likely as those without a mental

1 health problem to have been homeless in the year be-  
 2 fore their arrest.

3 **SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE**  
 4 **COLLABORATION PROGRAM GRANTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH  
 6 2013.—Section 2991(h) of title I of the Omnibus Crime  
 7 Control and Safe Streets Act of 1968 is amended—

8 (1) in paragraph (1), by striking at the end  
 9 “and”;

10 (2) in paragraph (2), by striking “for fiscal  
 11 years 2006 through 2009.” and inserting “for each  
 12 of the fiscal years 2006 and 2007; and”; and

13 (3) by adding at the end the following new  
 14 paragraph:

15 “(3) \$75,000,000 for each of the fiscal years  
 16 2008 through 2013.”.

17 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE  
 18 PURPOSES.—Section 2991(h) of such title is further  
 19 amended—

20 (1) by redesignating paragraphs (1), (2), and  
 21 (3) (as added by subsection (a)(3)) as subpara-  
 22 graphs (A), (B), and (C), respectively;

23 (2) by striking “There are authorized” and in-  
 24 serting “(1) IN GENERAL.—There are authorized”;  
 25 and

1           (3) by adding at the end the following new  
2       paragraph:

3       “~~(2)~~ ALLOCATION OF FUNDING FOR ADMINISTRA-  
4       TIVE PURPOSES.—For fiscal year 2008 and each subse-  
5       quent fiscal year, of the amounts authorized under para-  
6       graph (1) for such fiscal year, the Attorney General may  
7       obligate not more than ~~3~~ percent for the administrative  
8       expenses of the Attorney General in carrying out this sec-  
9       tion for such fiscal year.”.

10       (c) ADDITIONAL APPLICATIONS RECEIVING PRI-  
11       ORITY.—Subsection (c) of such section is amended to read  
12       as follows:

13       “~~(c)~~ PRIORITY.—The Attorney General, in awarding  
14       funds under this section, shall give priority to applications  
15       that—

16           “~~(1)~~ promote effective strategies by law enforce-  
17       ment to identify and to reduce risk of harm to men-  
18       tally ill offenders and public safety;

19           “~~(2)~~ promote effective strategies for identifica-  
20       tion and treatment of female mentally ill offenders;  
21       or

22           “~~(3)~~(A) demonstrate the strongest commitment  
23       to ensuring that such funds are used to promote  
24       both public health and public safety;

1           “(B) demonstrate the active participation of  
2           each co-applicant in the administration of the col-  
3           laboration program;

4           “(C) document, in the case of an application for  
5           a grant to be used in whole or in part to fund treat-  
6           ment services for adults or juveniles during periods  
7           of incarceration or detention, that treatment pro-  
8           grams will be available to provide transition and re-  
9           entry services for such individuals; and

10          “(D) have the support of both the Attorney  
11          General and the Secretary.”.

12   **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**  
13                   **OFFENDERS IMPROVEMENT GRANTS.**

14          (a) IN GENERAL.—Part III of title I of the Omnibus  
15   Crime Control and Safe Streets Act of 1968 is amended  
16   by adding at the end the following new section:

17   **“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY**  
18                   **ILL OFFENDERS IMPROVEMENT GRANTS.**

19          “(a) AUTHORIZATION.—The Attorney General is au-  
20   thorized to make grants to States, units of local govern-  
21   ment, Indian tribes, and tribal organizations for the fol-  
22   lowing purposes:

23           “(1) TRAINING PROGRAMS.—To provide for  
24           programs that offer law enforcement personnel spe-  
25           cialized and comprehensive training in procedures to

1 identify and respond appropriately to incidents in  
2 which the unique needs of individuals with mental  
3 illnesses are involved.

4 “(2) RECEIVING CENTERS.—To provide for the  
5 development of specialized receiving centers to assess  
6 individuals in the custody of law enforcement per-  
7 sonnel for mental health and substance abuse treat-  
8 ment needs.

9 “(3) IMPROVED TECHNOLOGY.—To provide for  
10 computerized information systems (or to improve ex-  
11 isting systems) to provide timely information to law  
12 enforcement personnel and criminal justice system  
13 personnel to improve the response of such respective  
14 personnel to mentally ill offenders.

15 “(4) COOPERATIVE PROGRAMS.—To provide for  
16 the establishment and expansion of cooperative ef-  
17 forts by criminal and juvenile justice agencies and  
18 mental health agencies to promote public safety  
19 through the use of effective intervention with respect  
20 to mentally ill offenders.

21 “(5) CAMPUS SECURITY PERSONNEL TRAIN-  
22 ING.—To provide for programs that offer campus se-  
23 curity personnel training in procedures to identify  
24 and respond appropriately to incidents in which the

1        unique needs of individuals with mental illnesses are  
 2        involved.

3        “(b) BJA TRAINING MODELS.—For purposes of sub-  
 4        section (a)(1), the Director of the Bureau of Justice As-  
 5        sistance shall develop training models for training law en-  
 6        forcement personnel in procedures to identify and respond  
 7        appropriately to incidents in which the unique needs of  
 8        individuals with mental illnesses are involved.

9        “(c) MATCHING FUNDS.—The Federal share of funds  
 10       for a program funded by a grant received under this sec-  
 11       tion may not exceed 75 percent of the costs of the program  
 12       unless the Attorney General waives, wholly or in part, such  
 13       funding limitation. The non-Federal share of payments  
 14       made for such a program may be made in cash or in-kind  
 15       fairly evaluated, including planned equipment or services.

16       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
 17       are authorized to be appropriated to the Department of  
 18       Justice to carry out this section \$10,000,000 for each of  
 19       the fiscal years 2008 through 2013.”.

20       (b) CONFORMING AMENDMENT.—Such part is fur-  
 21       ther amended by amending the part heading to read as  
 22       follows: “**GRANTS TO IMPROVE TREATMENT OF OF-**  
 23       **FENDERS WITH MENTAL ILLNESSES**”.

1 **SEC. 5. IMPROVING THE MENTAL HEALTH COURTS GRANT**  
 2 **PROGRAM.**

3 (a) REAUTHORIZATION OF THE MENTAL HEALTH  
 4 COURTS GRANT PROGRAM.—Section 1001(a)(20) of title  
 5 I of the Omnibus Crime Control and Safe Streets Act of  
 6 1968 (42 U.S.C. 3793(a)(20)) is amended by striking  
 7 “fiscal years 2001 through 2004” and inserting “fiscal  
 8 years 2008 through 2013”.

9 (b) ADDITIONAL GRANT USES AUTHORIZED.—Sec-  
 10 tion 2201 of such title (42 U.S.C. 3796ii) is amended—

11 (1) in paragraph (1) at the end, by striking  
 12 “and”;

13 (2) in paragraph (2) at the end, by striking the  
 14 period and adding “; and”; and

15 (3) by adding at the end the following new  
 16 paragraphs:

17 “(3) pretrial services and related treatment pro-  
 18 grams for offenders with mental illnesses; and

19 “(4) developing, implementing, or expanding  
 20 programs that are alternatives to incarceration for  
 21 offenders with mental illnesses.”.

22 **SEC. 6. STUDY AND REPORT ON PREVALENCE OF MEN-**  
 23 **TALLY ILL OFFENDERS.**

24 (a) STUDY.—The Attorney General shall provide for  
 25 a study of the following:



(1) The rate of occurrence of serious mental illnesses in each of the following populations:

(A) Individuals, including juveniles, on probation.

(B) Individuals, including juveniles, incarcerated in a jail.

(C) Individuals, including juveniles, incarcerated in a prison.

(D) Individuals, including juveniles, on parole.

(2) For each population described in paragraph (1), the percentage of individuals with serious mental illnesses who, at the time of the arrest, are eligible to receive Supplemental Security Income benefits, Social Security Disability Insurance benefits, or medical assistance under a State plan for medical assistance under title XIX of the Social Security Act.

(3) For each such population, with respect to a year, the percentage of individuals with serious mental illnesses who—

(A) were homeless (as defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) at the time of arrest; and

1           ~~(B)~~ were homeless (as so defined) during  
 2           any period in the previous year.

3       ~~(b) REPORT.—Not later than 18 months after the~~  
 4       date of the enactment of this Act, the Attorney General  
 5       shall submit to Congress a report on the results of the  
 6       study under subsection ~~(a)~~.

7       ~~(c) DEFINITION OF SERIOUS MENTAL ILLNESS.—~~  
 8       For purposes of this section, the term “serious mental ill-  
 9       ness” has the meaning given such term for purposes of  
 10      title V of the Public Health Service Act.

11      ~~(d) AUTHORIZATION OF APPROPRIATIONS.—There~~  
 12      are authorized to be appropriated to carry out this section  
 13      \$2,000,000 for 2008.

14   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

15      ~~(a) SHORT TITLE.—This Act may be cited as the~~  
 16      “Mentally Ill Offender Treatment and Crime Reduction Re-  
 17      authorization and Improvement Act of 2008”.

18      ~~(b) TABLE OF CONTENTS.—The table of contents for~~  
 19      this Act is as follows:

*Sec. 1. Short title; table of contents.*

*Sec. 2. Findings.*

*Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.*

*Sec. 4. Law enforcement response to mentally ill offenders improvement grants.*

*Sec. 5. Improving the mental health courts grant program.*

*Sec. 6. Examination and report on prevalence of mentally ill offenders.*

20   **SEC. 2. FINDINGS.**

21      Congress finds the following:

1           (1) *Communities nationwide are struggling to*  
 2           *respond to the high numbers of people with mental ill-*  
 3           *nesses involved at all points in the criminal justice*  
 4           *system.*

5           (2) *A 1999 study by the Department of Justice*  
 6           *estimated that 16 percent of people incarcerated in*  
 7           *prisons and jails in the United States, which is more*  
 8           *than 300,000 people, suffer from mental illnesses.*

9           (3) *Los Angeles County Jail and New York's*  
 10          *Rikers Island jail complex hold more people with*  
 11          *mental illnesses than the largest psychiatric inpatient*  
 12          *facilities in the United States.*

13          (4) *State prisoners with a mental health problem*  
 14          *are twice as likely as those without a mental health*  
 15          *problem to have been homeless in the year before their*  
 16          *arrest.*

17   **SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE**  
 18                           **COLLABORATION PROGRAM GRANTS.**

19          (a) *AUTHORIZATION OF APPROPRIATIONS THROUGH*  
 20          *2014.—Section 2991(h) of title I of the Omnibus Crime*  
 21          *Control and Safe Streets Act of 1968 (42 U.S.C. 3793aa(h))*  
 22          *is amended—*

23               (1) *in paragraph (1), by striking at the end*  
 24               *“and”;*

1           (2) in paragraph (2), by striking “for fiscal  
2           years 2006 through 2009.” and inserting “for each of  
3           the fiscal years 2006 and 2007; and”; and

4           (3) by adding at the end the following new para-  
5           graph:

6           “(3) \$75,000,000 for each of the fiscal years 2009  
7           through 2014.”.

8           (b) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE*  
9           *PURPOSES.*—Section 2991(h) of such title is further amend-  
10          ed—

11           (1) by redesignating paragraphs (1), (2), and (3)  
12           (as added by subsection (a)(3)) as subparagraphs (A),  
13           (B), and (C), respectively, and adjusting the margins  
14           accordingly;

15           (2) by striking “There are authorized” and in-  
16           serting “(1) *IN GENERAL.*—There are authorized”;  
17           and

18           (3) by adding at the end the following new para-  
19           graph:

20           “(2) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE*  
21           *PURPOSES.*—For fiscal year 2009 and each subsequent fis-  
22           cal year, of the amounts authorized under paragraph (1)  
23           for such fiscal year, the Attorney General may obligate not  
24           more than 3 percent for the administrative expenses of the

1 *Attorney General in carrying out this section for such fiscal*  
 2 *year.”.*

3       (c) *ADDITIONAL APPLICATIONS RECEIVING PRI-*  
 4 *ORITY.—Subsection (c) of such section is amended to read*  
 5 *as follows:*

6       “(c) *PRIORITY.—The Attorney General, in awarding*  
 7 *funds under this section, shall give priority to applications*  
 8 *that—*

9               “(1) *promote effective strategies by law enforce-*  
 10 *ment to identify and to reduce risk of harm to men-*  
 11 *tally ill offenders and public safety;*

12              “(2) *promote effective strategies for identification*  
 13 *and treatment of female mentally ill offenders; or*

14              “(3)(A) *demonstrate the strongest commitment to*  
 15 *ensuring that such funds are used to promote both*  
 16 *public health and public safety;*

17              “(B) *demonstrate the active participation of each*  
 18 *co-applicant in the administration of the collabora-*  
 19 *tion program;*

20              “(C) *document, in the case of an application for*  
 21 *a grant to be used in whole or in part to fund treat-*  
 22 *ment services for adults or juveniles during periods of*  
 23 *incarceration or detention, that treatment programs*  
 24 *will be available to provide transition and reentry*  
 25 *services for such individuals; and*

1           “(D) have the support of both the Attorney Gen-  
2           eral and the Secretary.”.

3   **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**  
4           **OFFENDERS IMPROVEMENT GRANTS.**

5           (a) *IN GENERAL.*—Part HH of title I of the Omnibus  
6   *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*  
7   *3797aa)* is amended by adding at the end the following new  
8   *section:*

9   **“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY**  
10           **ILL OFFENDERS IMPROVEMENT GRANTS.**

11           “(a) *AUTHORIZATION.*—The Attorney General is au-  
12   *thorized to make grants to States, units of local government,*  
13   *Indian tribes, and tribal organizations for the following*  
14   *purposes:*

15           “(1) *TRAINING PROGRAMS.*—To provide for pro-  
16   *grams that offer law enforcement personnel special-*  
17   *ized and comprehensive training in procedures to*  
18   *identify and respond appropriately to incidents in*  
19   *which the unique needs of individuals with mental ill-*  
20   *nesses are involved.*

21           “(2) *RECEIVING CENTERS.*—To provide for the  
22   *development of specialized receiving centers to assess*  
23   *individuals in the custody of law enforcement per-*  
24   *sonnel for suicide risk and mental health and sub-*  
25   *stance abuse treatment needs.*

1           “(3) *IMPROVED TECHNOLOGY.*—*To provide for*  
2           *computerized information systems (or to improve ex-*  
3           *isting systems) to provide timely information to law*  
4           *enforcement personnel and criminal justice system*  
5           *personnel to improve the response of such respective*  
6           *personnel to mentally ill offenders.*

7           “(4) *COOPERATIVE PROGRAMS.*—*To provide for*  
8           *the establishment and expansion of cooperative efforts*  
9           *by criminal and juvenile justice agencies and mental*  
10          *health agencies to promote public safety through the*  
11          *use of effective intervention with respect to mentally*  
12          *ill offenders.*

13          “(5) *CAMPUS SECURITY PERSONNEL TRAINING.*—  
14          *To provide for programs that offer campus security*  
15          *personnel training in procedures to identify and re-*  
16          *spond appropriately to incidents in which the unique*  
17          *needs of individuals with mental illnesses are in-*  
18          *volved.*

19          “(b) *BJA TRAINING MODELS.*—*For purposes of sub-*  
20          *section (a)(1), the Director of the Bureau of Justice Assist-*  
21          *ance shall develop training models for training law enforce-*  
22          *ment personnel in procedures to identify and respond ap-*  
23          *propriately to incidents in which the unique needs of indi-*  
24          *viduals with mental illnesses are involved, including suicide*  
25          *prevention.*

1       “(c) *MATCHING FUNDS.*—*The Federal share of funds*  
 2 *for a program funded by a grant received under this section*  
 3 *may not exceed 75 percent of the costs of the program unless*  
 4 *the Attorney General waives, wholly or in part, such fund-*  
 5 *ing limitation. The non-Federal share of payments made*  
 6 *for such a program may be made in cash or in-kind fairly*  
 7 *evaluated, including planned equipment or services.*

8       “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 9 *are authorized to be appropriated to the Department of Jus-*  
 10 *tice to carry out this section \$10,000,000 for each of the*  
 11 *fiscal years 2009 through 2014.”.*

12       (b) *CONFORMING AMENDMENT.*—*Such part is further*  
 13 *amended by amending the part heading to read as follows:*  
 14 **“GRANTS TO IMPROVE TREATMENT OF OFFENDERS**  
 15 **WITH MENTAL ILLNESSES”.**

16 **SEC. 5. IMPROVING THE MENTAL HEALTH COURTS GRANT**  
 17 **PROGRAM.**

18       (a) *REAUTHORIZATION OF THE MENTAL HEALTH*  
 19 *COURTS GRANT PROGRAM.*—*Section 1001(a)(20) of title I*  
 20 *of the Omnibus Crime Control and Safe Streets Act of 1968*  
 21 *(42 U.S.C. 3793(a)(20)) is amended by striking “fiscal*  
 22 *years 2001 through 2004” and inserting “fiscal years 2009*  
 23 *through 2014”.*

24       (b) *ADDITIONAL GRANT USES AUTHORIZED.*—*Section*  
 25 *2201 of such title (42 U.S.C. 3796ii) is amended—*



1           (1) *in paragraph (1), by striking “and” at the*  
 2     *end;*

3           (2) *in paragraph (2) by striking the period at*  
 4     *the end and inserting a semicolon; and*

5           (3) *by adding at the end the following new para-*  
 6     *graphs:*

7           “(3) *pretrial services and related treatment pro-*  
 8     *grams for offenders with mental illnesses; and*

9           “(4) *developing, implementing, or expanding*  
 10     *programs that are alternatives to incarceration for of-*  
 11     *fenders with mental illnesses.”.*

12     **SEC. 6. EXAMINATION AND REPORT ON PREVALENCE OF**  
 13           **MENTALLY ILL OFFENDERS.**

14     (a) *IN GENERAL.*—

15           (1) *IN GENERAL.*—*The Attorney General shall*  
 16     *examine and report on mental illness and the crimi-*  
 17     *nal justice system.*

18           (2) *SCOPE.*—*Congress encourages the Attorney*  
 19     *General to specifically examine the following:*

20           (A) *POPULATIONS.*—*The rate of occurrence*  
 21     *of serious mental illnesses in each of the fol-*  
 22     *lowing populations:*

23           (i) *Individuals, including juveniles, on*  
 24     *probation.*

1                   (ii) *Individuals, including juveniles,*  
2                   *incarcerated in a jail.*

3                   (iii) *Individuals, including juveniles,*  
4                   *incarcerated in a prison.*

5                   (iv) *Individuals, including juveniles,*  
6                   *on parole.*

7                   (B) *BENEFITS.—The percentage of individ-*  
8                   *uals in each population described in subpara-*  
9                   *graph (A) who have—*

10                   (i) *a serious mental illness; and*

11                   (ii) *received disability benefits under*  
12                   *title II or title XVI of the Social Security*  
13                   *Act (42 U.S.C. 401 et seq. and 1381 et seq.).*

14               (b) *REPORT.—Not later than 36 months after the date*  
15               *of the enactment of this Act, the Attorney General shall sub-*  
16               *mit to Congress the report described in subsection (a).*

17               (c) *DEFINITIONS.—In this section—*

18                   (1) *the term “serious mental illness” means that*  
19                   *an individual has, or at any time during the 1-year*  
20                   *period ending on the date of enactment of this Act*  
21                   *had, a covered mental, behavioral, or emotional dis-*  
22                   *order; and*

23                   (2) *the term “covered mental, behavioral, or emo-*  
24                   *tional disorder”—*

1           (A) means a diagnosable mental, behav-  
 2           ioral, or emotional disorder of sufficient dura-  
 3           tion to meet diagnostic criteria specified within  
 4           the *Diagnostic and Statistical Manual of Mental*  
 5           *Disorders, Fourth Edition*, or the *International*  
 6           *Classification of Diseases, Ninth Revision, Clin-*  
 7           *ical Modification* equivalent of the *Diagnostic*  
 8           *and Statistical Manual of Mental Disorders,*  
 9           *Fourth Edition*; and

10           (B) does not include a disorder that has a  
 11           V code within the *Diagnostic and Statistical*  
 12           *Manual of Mental Disorders, Fourth Edition*, a  
 13           substance use disorder, or a developmental dis-  
 14           order, unless that disorder cooccurs with another  
 15           disorder described in subparagraph (A) and  
 16           causes functional impairment which substan-  
 17           tially interferes with or limits 1 or more major  
 18           life activities.

19           (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 20           authorized to be appropriated to carry out this section  
 21           \$2,000,000 for 2009.

Calendar No. 622

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2304**

**A BILL**

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

APRIL 1 (legislative day, MARCH 13), 2008  
Reported with an amendment